

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald C. Dove Attorney Docket No. ACIC-1-1008
Serial No.: — Group Art Unit: —
Filing Date: August 13, 2001 Examiner: —
Title: DIVERSELY ROUTED FAULT TOLERANT OPTICAL NODE

COMBINED DECLARATION AND POWER OF ATTORNEY
IN PATENT APPLICATION

As the inventor of the invention disclosed in the patent application entitled DIVERSELY
ROUTED FAULT TOLERANT OPTICAL NODE, I hereby declare as follows:

My residence, post office address and citizenship is:

Donald C. Dove
841 Tilden Avenue
Kent, WA 98031
U.S. Citizen

I believe that I am the original, first and sole inventor of the subject matter that is claimed
and for which a patent is sought on the invention entitled DIVERSELY ROUTED FAULT
TOLERANT OPTICAL NODE, the specification of which is attached to this declaration.

I have reviewed and understand the contents of the above-identified patent application,
including the claims.

I acknowledge the duty to disclose information, which is material to the examination of
this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any
foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international
application which designated at least one country other than the United States of America, for
the application(s) listed below. I have also identified below any foreign application(s) for patent
or inventor's certificate, or of any PCT international application having a filing date before that
of the application on which priority is claimed: NONE

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I hereby claim the benefit under 35 U.S.C. 119(e) of the following United States provisional application(s): NONE

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information that is material to patentability as defined 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application: NONE

I hereby appoint the following attorneys and agents to prosecute this application and to transact all related business in the Patent and Trademark Office or the Courts: Richard T. Black, Washington State Bar No. 20,899 and PTO Reg. No. 40,514; David A. Lowe, Washington State Bar No. 24,453 and PTO Reg. No. 39,281; Lawrence D. Graham, Washington State Bar No. 25,402 and PTO Reg. No. 40,001; Mark L. Lorbiecki, Washington State Bar No. 16,796 and PTO Reg. No. 45,643; and Michael S. Smith PTO Reg. No. 39,563.

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I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

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United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8/9/01
Date

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